

APPEAL, MAG

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10260-RCL-ALL**

Case title: USA v. Howell

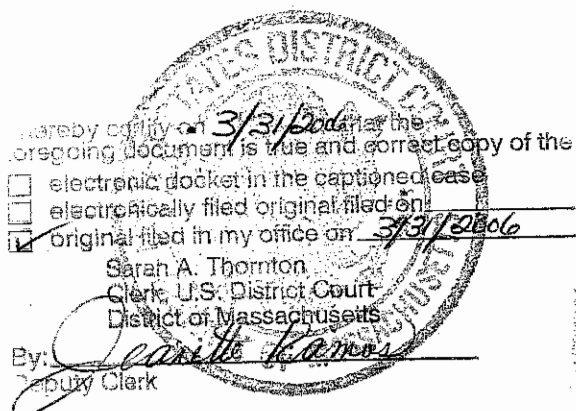
Date Filed: 08/26/2004

Assigned to: Judge Reginald C.
Lindsay

Defendant

Carlos A Howell (1)
TERMINATED: 03/10/2006

represented by **Walter H. Underhill**
Law Office of Walter H.
Underhill
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4th Floor
Boston, MA 02110
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment



Pending Counts

21:841 (a)(1)-DISTRIBUTION
OF COCAINE BASE
(1)

Highest Offense Level
(Opening)

Felony

Disposition

The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 108 months. Upon release, the defendant is placed on supervised release for a term of 5 years with special conditions. The Court further imposes a special assessment of \$100

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Disposition

Plaintiff

USA

represented by **Theodore B. Heinrich**
United States Attorney's Office
John Joseph Moakley Federal
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ATTORNEY TO BE NOTICED

Nancy Rue
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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08/26/2004	<u>1</u>	MOTION to Seal Case as to Carlos A Howell by USA. (Diskes, Sheila) (Entered: 08/26/2004)
08/26/2004		Judge Lawrence P. Cohen : Electronic ORDER entered granting <u>1</u> Motion to Seal Case as to Carlos A Howell (1) (Diskes, Sheila) (Entered: 08/26/2004)
08/26/2004	<u>2</u>	SEALED INDICTMENT as to Carlos A Howell (1) count(s) 1. (Diskes, Sheila) (Entered: 08/26/2004)
08/26/2004	<u>3</u>	Judge Reginald C. Lindsay : ORDER entered ORDER REFERRING CASE to Magistrate Judge Judith G. Dein Reason for referral: Pretrial as to Carlos A Howell (Diskes, Sheila) (Entered: 08/26/2004)
08/26/2004		Arrest Warrant Issued as to Carlos A Howell. (Diskes, Sheila) (Entered: 08/26/2004)
09/02/2004	<u>4</u>	MOTION to Unseal Case as to Carlos A Howell by USA. (Smith3, Dianne) (Entered: 09/03/2004)
09/02/2004		Judge Reginald C. Lindsay : Endorsement on motion ORDER entered granting [4] Motion to Unseal Case as to Carlos A Howell (1) (Smith3, Dianne) (Entered: 09/03/2004)
09/02/2004		Attorney update in case as to Carlos A Howell. Attorney Walter H. Underhill for Carlos A Howell added. (Quinn, Thomas) (Entered: 09/03/2004)
09/02/2004		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Carlos A Howell held on 9/2/2004 (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/03/2004)
09/02/2004	<u>5</u>	CJA 23 Financial Affidavit by Carlos A Howell (Quinn, Thomas) (Entered: 09/03/2004)
09/10/2004		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Arraignment as to Carlos A Howell (1) Count 1 and Detention hearing held on 9/10/2004.; AUSA Heinrich and Attorney Underhill for the dft.; Dft pleads not guilty and will proceed with automatic discovery; 1st status conference is set for 10/20/04 @ 11:30am.; Detention hearing begins Attorney Underhill agrees Govt. may proceed by proffer; Govt. makes proffer; Dft. consents to detention at this time. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 09/10/2004)
09/10/2004	<u>6</u>	Judge Judith G. Dein : ORDER entered INITIAL

		SCHEDULING ORDER as to Carlos A Howell. Status Conference set for 10/20/2004 11:30 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 09/13/2004)
09/10/2004	<u>7</u>	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Carlos A Howell. Time excluded from 9/10/04 until 10/8/04. (Dambrosio, Jolyne) (Entered: 09/13/2004)
09/10/2004	<u>8</u>	Judge Judith G. Dein : ORDER entered MEMORANDUM AND ORDER OF DETENTION as to Carlos A Howell. (Dambrosio, Jolyne) (Entered: 09/13/2004)
09/13/2004	<u>9</u>	Arrest Warrant Returned Executed on 9/3/04. as to Carlos A Howell. (Stanhope, Don) (Entered: 09/13/2004)
10/20/2004	<u>10</u>	JOINT MEMORANDUM of the parties re initial status conference by Carlos A Howell (Heinrich, Theodore) (Entered: 10/20/2004)
10/20/2004		● electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Carlos A Howell held on 10/20/2004; AUSA Tobin in for AUSA Heinrich; Atty Underhill for deft; Court adopts expert discovery schedule; 1 month given to file discovery letter 11/19/04; Discovery motions due by 12/22/2004.subject to excludable time 10/20/04 -12/13/04; Interim Status Conference set for 12/23/2004 10:30 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Court Reporter digital.) (Simeone, Maria) (Entered: 10/20/2004)
10/20/2004	<u>11</u>	Judge Judith G. Dein : ORDER entered INITIAL STATUS REPORT as to Carlos A Howell. Status Conference set for 12/23/2004 10:30 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 10/20/2004)
10/20/2004	<u>12</u>	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Carlos A Howell. Time excluded from 10/20/04 until 12/23/04. (Dambrosio, Jolyne) (Entered: 10/20/2004)
12/23/2004	<u>13</u>	MOTION to Continue as to Carlos A Howell . (Quinn, Thomas) (Entered: 12/28/2004)
12/23/2004		● Judge Judith G. Dein : Electronic ORDER entered granting <u>13</u>

		Motion to Continue as to Carlos A Howell (1) (Quinn, Thomas) (Entered: 12/28/2004)
12/23/2004	14	Judge Judith G. Dein : ORDER entered ORDER ON EXCLUDABLE DELAY as to Carlos A Howell Time excluded from 12/23/04 until 1/3/05. (Quinn, Thomas) (Entered: 12/28/2004)
01/03/2005		ElectronicClerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Carlos A Howell held on 1/3/2005; AUSA Heinrich and Attorney Underhill report case status; Next status conference is set for 1/28/05 @ 2:00pm. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 01/03/2005)
01/03/2005	15	Judge Judith G. Dein : ElectronicORDER entered. STATUS REPORT as to Carlos A Howell Status Conference set for 1/28/2005 02:00 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 01/03/2005)
01/03/2005	16	Judge Judith G. Dein : ElectronicORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell Time excluded from 1/3/05 until 1/28/05. (Quinn, Thomas) (Entered: 01/03/2005)
01/28/2005	17	MOTION to Continue as to Carlos A Howell. (Underhill, Walter) (Entered: 01/28/2005)
01/31/2005		Judge Judith G. Dein : Electronic ORDER entered granting 17 Motion to Continue as to Carlos A Howell (1); Status conference is rescheduled for 2/2/05 @ 2:00pm. (Quinn, Thomas) (Entered: 01/31/2005)
01/31/2005		Judge Judith G. Dein : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell Time excluded from 1/28/05 until 2/2/05. (Quinn, Thomas) (Entered: 01/31/2005)
02/02/2005		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Carlos A Howell held on 2/2/2005; AUSA Heinrich and Attorney Underhill report current case status; Dft.'s discovery motions are due 2/17/05; Next status conference is set for 3/9/05. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 02/03/2005)
02/02/2005	18	Judge Judith G. Dein : Electronic ORDER entered. STATUS REPORT as to Carlos A Howell Status Conference set for

		3/9/2005 03:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Quinn, Thomas) (Entered: 02/03/2005)
02/02/2005	19	Judge Judith G. Dein : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell Time excluded from 2/2/05 until 3/9/05. (Quinn, Thomas) (Entered: 02/03/2005)
03/09/2005		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Carlos A Howell held on 3/9/2005; AUSA Connolly (standing in for Heinrich) and Attorney Underhill for the dft.; Attorney Underhill request further conference for 3/25/05 @ 10:00am. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 03/09/2005)
03/09/2005	20	Judge Judith G. Dein : ORDER entered. INTERIM STATUS REPORT as to Carlos A Howell. Status Conference set for 3/25/2005 10:00 AM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 03/11/2005)
03/09/2005	21	Judge Judith G. Dein : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell. Time excluded from 3/9/05 until 3/25/05. (Dambrosio, Jolyne) (Entered: 03/11/2005)
03/24/2005	22	MOTION to Continue <i>March 25, 2005 Status Hearing</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 03/24/2005)
03/25/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>22</u> Motion to Continue as to Carlos A Howell (1). The Final Status Conference is continued to 3/29/05 at 11:00AM. (Dambrosio, Jolyne) (Entered: 03/25/2005)
03/25/2005	23	Judge Judith G. Dein : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell. Time excluded from 3/25/05 until 3/29/05. (Dambrosio, Jolyne) (Entered: 03/25/2005)
03/29/2005	24	MOTION to Continue <i>STATUS FROM MARCH 29 TO APRIL 4, 2005</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 03/29/2005)
03/29/2005		Judge Judith G. Dein : Electronic ORDER entered granting <u>24</u> Motion to Continue as to Carlos A Howell (1). The Final Status Conference is continued to 4/4/05 at 10:30AM. (Dambrosio, Jolyne) (Entered: 03/29/2005)

03/29/2005	25	Judge Judith G. Dein : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Carlos A Howell. Time excluded from 3/29/05 until 4/4/05. (Dambrosio, Jolyne) (Entered: 03/29/2005)
04/04/2005		Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Status Conference as to Carlos A Howell held on 4/4/2005; AUSA Heinrich and Attorney Underhill report case is ready to be sent to the district court. USMJ Dein issue a report and return file to the district court. (Court Reporter D.R..) (Quinn, Thomas) (Entered: 04/04/2005)
04/04/2005	26	Judge Judith G. Dein : ORDER entered. STATUS REPORT as to Carlos A Howell (Quinn, Thomas) (Entered: 04/05/2005)
04/06/2005		NOTICE OF HEARING as to Carlos A Howell Pretrial Conference set for 4/21/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 04/06/2005)
04/21/2005	27	MOTION to Withdraw as Attorney by Walter H. Underhill. as to Carlos A Howell. (Underhill, Walter) (Entered: 04/21/2005)
04/21/2005		Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Pretrial Conference as to Carlos A Howell held on 4/21/2005. Trial set for 5/23/05 at 9:00AM. Pretrial Order to issue. Counsel for the defendant advises the court that he may file a motion to withdraw as counsel. (Court Reporter J. Gibbons.) (Hourihan, Lisa) (Entered: 04/26/2005)
04/22/2005	28	NOTICE OF ATTORNEY APPEARANCE Nancy Rue appearing for USA. (Rue, Nancy) (Entered: 04/22/2005)
04/26/2005	29	Judge Reginald C. Lindsay : ORDER entered. PRETRIAL ORDER as to Carlos A Howell Time excluded from 4/21/05 until 5/23/05. Jury Trial set for 5/23/2005 09:00 AM in Courtroom 11 before Judge Reginald C. Lindsay. Pretrial Conference set for 5/20/2005 03:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 04/26/2005)
04/29/2005	30	MOTION to Withdraw Document <i>MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 04/29/2005)
04/29/2005	31	MOTION for Rule 11 Hearing <i>And Cancellation Of Trial Date</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 04/29/2005)

		04/29/2005)
05/04/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>30</u> Motion to Withdraw Motion to Withdraw as Counsel as to Carlos A Howell (1) (Hourihan, Lisa) (Entered: 05/04/2005)
05/04/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered withdrawing <u>27</u> Motion to Withdraw as Attorney. as to Carlos A Howell (1) (Hourihan, Lisa) (Entered: 05/04/2005)
05/04/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>31</u> Motion for Rule 11 Hearing as to Carlos A Howell (1) (Hourihan, Lisa) (Entered: 05/04/2005)
05/04/2005	●	Set/Reset Hearings as to Carlos A Howell: Change of Plea Hearing set for 5/19/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (ANY WRITTEN PLEA AGREEMENT TO BE FILED THREE BUSINESS DAYS BEFORE THE CHANGE PLEA DATE) (Hourihan, Lisa) (Entered: 05/04/2005)
05/18/2005	● <u>32</u>	MOTION to Continue <i>May 19, 2005 Rule 11 Hearing</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 05/18/2005)
05/24/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>32</u> Motion to Continue as to Carlos A Howell (1) (Hourihan, Lisa) (Entered: 05/24/2005)
05/24/2005	●	Set/Reset Hearings as to Carlos A Howell: Change of Plea Hearing set for 6/6/2005 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. Any written plea agreement to be filed three business days before the plea date. If no plea agreement, counsel to notify the clerk three business days before the plea date. A failure to follow these instructions may result in the cancellation of the Rule 11 hearing at the discretion of the court. (Hourihan, Lisa) (Entered: 05/24/2005)
06/06/2005	●	Electronic Clerk's Notes for proceedings held before Judge Reginald C. Lindsay :Change of Plea Hearing as to Carlos A Howell held on 6/6/2005. Defendant retracts previous plea of not guilty and enters plea of guilty to count 1 of the indictment. Court finds factual basis, the plea is accepted and entered by Carlos A Howell (1) Guilty Count 1. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 06/08/2005)
06/08/2005	● <u>33</u>	Judge Reginald C. Lindsay : ORDER entered.

		PROCEDURAL ORDER re sentencing hearing as to Carlos A Howell Sentencing set for 10/18/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 06/08/2005)
09/12/2005	<u>34</u>	MOTION to Continue <i>SENTENCING DATE</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 09/12/2005)
09/13/2005	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>34</u> Motion to Continue Sentencing as to Carlos A Howell (1) (Hourihan, Lisa) (Entered: 09/13/2005)
09/13/2005	•	Set/Reset Hearings as to Carlos A Howell: Sentencing reset for 12/14/2005 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 09/13/2005)
11/14/2005	<u>35</u>	MOTION to Continue <i>Sentencing on December 14, 2005</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 11/14/2005)
11/15/2005	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>35</u> Motion to Continue as to Carlos A Howell (1) Sentencing set for 1/31/2006 02:30 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 11/15/2005)
01/25/2006	<u>36</u>	MOTION to Continue <i>Sentencing</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 01/25/2006)
01/26/2006	•	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>36</u> Motion to Continue as to Carlos A Howell (1) Sentencing reset for 2/13/2006 02:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. NO FURTHER CONTINUANCES WILL BE ALLOWED BY THE COURT. (Hourihan, Lisa) (Entered: 01/26/2006)
02/13/2006	<u>37</u>	Letter (non-motion) regarding DEFENDANT'S LETTER TO COURT RE: SENTENCING as to Carlos A Howell (Underhill, Walter) (Entered: 02/13/2006)
02/13/2006	<u>38</u>	Letter (non-motion) regarding LTR TO JUDGE LINDSEY - TONI CROMWELL as to Carlos A Howell (Underhill, Walter) (Entered: 02/13/2006)
02/13/2006	•	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay :Sentencing held on 2/13/2006 for Carlos A Howell (1), Count(s) 1, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term

		of 188 months. Upon release, the defendant is placed on supervised release for a term of 5 years with special conditions. The Court further imposes a special assessment of \$100. (Court Reporter D. Joyce.) (Hourihan, Lisa) (Entered: 02/14/2006)
02/17/2006	<u>39</u>	MOTION to Correct <i>SENTENCE</i> as to Carlos A Howell. (Attachments: # <u>1</u>)(Underhill, Walter) (Entered: 02/17/2006)
02/22/2006	<u>40</u>	NOTICE OF APPEAL by Carlos A Howell NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/14/2006. (fee is not paid) (York, Steve) Modified on 2/23/2006 (York, Steve). (Entered: 02/22/2006)
02/23/2006	<u>41</u>	MOTION to Set Aside Sentence <i>and for Resentencing</i> as to Carlos A Howell. (Underhill, Walter) (Entered: 02/23/2006)
02/23/2006	<u>42</u>	MOTION to Set Aside Sentence <i>and Resentence Defendant</i> as to Carlos A Howell. (Attachments: # <u>1</u>)(Underhill, Walter) (Entered: 02/23/2006)
02/24/2006		Motions terminated as to Carlos A Howell: <u>41</u> MOTION to Set Aside Sentence <i>and for Resentencing</i> filed by Carlos A Howell,. Counsel refiled the same motion as document # 42 (York, Steve) (Entered: 02/24/2006)
02/27/2006		ELECTRONIC NOTICE OF HEARING as to Carlos A Howell Sentencing set for 3/9/2006 09:30 AM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 02/27/2006)
03/07/2006		ELECTRONIC NOTICE OF RESCHEDULING as to Carlos A Howell Sentencing set for 3/9/2006 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (NOTE TIME CHANGE ONLY)(Hourihan, Lisa) (Entered: 03/07/2006)
03/07/2006		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>42</u> Motion to Set Aside Sentence as to Carlos A Howell (1) (York, Steve) (Entered: 03/15/2006)
03/10/2006	<u>43</u>	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT as to Carlos A Howell (1), Count(s) 1, The Court orders the defendant committed to the custody of the Bureau of Prisons for a term of 108 months. Upon release, the defendant is

		placed on supervised release for a term of 5 years with special conditions. The Court further imposes a special assessment of \$100 (Attachments: # <u>1</u>) (Hourihan, Lisa) (Entered: 03/21/2006)
03/13/2006	●	Motions terminated as to Carlos A Howell: <u>39</u> MOTION to Correct <i>SENTENCE</i> filed by Carlos A Howell,. (York, Steve) (Entered: 03/13/2006)